



Republic of Moldova

**parliament**

**LAW No. 140**  
of 10-05-2001

**regarding the State Labor Inspectorate**

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*ADJUSTED*

*LP355 of 22.12.22, MO460-462/31.12.22 art.820; in force 31.12.22*

Parliament adopts this organic law

### **Chapter I**

#### **GENERAL DISPOSITIONS**

##### **Article 1. State Labor Inspectorate**

(1) The State Labor Inspectorate is an administrative authority subordinate to the Ministry of Labor and Social Protection and has its headquarters in the municipality of Chisinau.

(2) The State Labor Inspectorate exercises state control over compliance with legislative acts and other normative acts in the field of work, safety and health at work, at enterprises, institutions and organizations, with any type of ownership and legal form of organization for individuals who employ employees, as well as in central and local public administration authorities, hereinafter referred to as employers.

(2<sup>1</sup>) The state control provided for in para. (2) exercised on persons who practice entrepreneurial activity is planned, carried out and registered in accordance with the provisions of Law no. 131/2012 regarding the state control over the entrepreneurial activity in the part where it is not regulated by this law.

(2<sup>2</sup>) The State Labor Inspectorate exercises state control over the activity of private agencies and unlicensed intermediaries that carry out the activity related to the placement of citizens of the Republic of Moldova in the field of work abroad under the conditions provided by Law no. 105/2018 regarding the promotion of employment and unemployment insurance and other normative acts.

(3) The State Labor Inspectorate has legal personality and operates on the basis of a regulation approved by the Government.

(4) Territorial labor inspections, without legal personality, operating in each administrative-territorial unit of the second level, are subordinated to the State Labor Inspectorate.

(5) The Ministry of Defence, the Ministry of Internal Affairs, the Intelligence and Security Service, the State Protection and Guard Service, the National Penitentiary Administration and the National Anticorruption Center organize inspection activities in the field of work, security and occupational health through their specialized services, which have competence only for subordinate structures.

**Article 2.** Priority of international treaties

The provisions of the international treaties to which the Republic of Moldova is a party have priority in relation to the norms of this law.

**Chapter II**

**OBJECTIVES AND DUTIES**

**THE STATE INSPECTORATE OF LABOR**

**Article 3.** Objectives

The objectives of the State Labor Inspectorate are the following:

- a) ensuring the application of the provisions of legislative acts and other normative acts regarding working conditions and the protection of employees in the exercise of their duties;
- b) disseminating information about the most effective means of complying with labor legislation, safety and health at work.
- c) informing the Ministry of Labor and Social Protection about deficiencies related to the application of labor legislation, safety and health at work.

**Article 4.** Attributions

(1) In fulfilling the objectives provided for in art. 3, the State Labor Inspectorate has the following powers:

- a) controls compliance with labor legislation, occupational safety and health;
- b) investigates, in the manner established by the Government, work accidents;
- c) offers, upon request, methodological assistance in the process of training, training and informing employers and employees, as well as other persons interested in the application of legislation in the field of labor relations, safety and health at work;
- d) grants, upon request, free consultation to employers and employees in the field of competence;
- e) exercise other duties provided for by law;

1<sup>1</sup>) carries out the supervision and control of the activity of private agencies and unlicensed intermediaries who carry out the activity related to the placement of citizens of the Republic of Moldova in the field of work abroad.

(2) The State Labor Inspectorate has the right to:

- a) to request and receive from the central and local public administration authorities, from legal and natural persons the information necessary for the exercise of its duties;
- b) to ascertain contraventions and conclude minutes according to the provisions of the Code of Contraventions of the Republic of Moldova.

## **Article 5.** Collaboration with other bodies, institutions and organizations

The State Labor Inspectorate, in achieving its objectives, collaborates with other bodies, institutions and organizations that carry out similar activities, with employers and unions. The collaboration methods are established by mutual agreement of the parties.

### **Chapter III**

#### **ORGANIZATION OF THE STATE LABOR INSPECTORATE**

## **Article 6.** Organizational structure

The structure and number of employees of the State Labor Inspectorate are established by the Government.

## **Article 7.** Staff of the State Labor Inspectorate

(1) The State Labor Inspectorate is led by a director, appointed to public office and released or dismissed from public office, under the terms of the law, by the minister.

(2) The staff of the State Labor Inspectorate, including the territorial labor inspections, is made up of labor inspectors and other specialists, who are civil servants, whose status ensures them as well as auxiliary staff. People with higher education in the field of engineering and engineering activities, law or economics are employed as a labor inspector.

(3) Recruitment to the State Labor Inspectorate will be done, in the manner established by the legislation, only on the basis of the candidates' abilities to perform the tasks that will be assigned to them.

(4) The labor inspector is subordinated only to the hierarchical head and, in the exercise of the function, obeys only the law.

(5) Any kind of interference in the activity of labor inspectors that would require them to exercise their duties improperly is not allowed.

### **Chapter IV**

#### **RIGHTS, OBLIGATIONS, INCOMPATIBILITIES AND LIABILITIES**

*[Chapter IV name modified by LP355 of 22.12.22, MO460-462/31.12.22 art.820; effective 12/31/22]*

## **Article 8.** Rights of the labor inspector

(1) In the exercise of the function, the labor inspector, upon presentation of the service card, is entitled to:

a) to enter freely, at any time of the day or night, without prior information of the employer, in the workplaces, in the service and production rooms;

b) to request and receive from the employer the documents and information necessary for the control;

c) request and receive, within the limits of competence, statements from employers and employees;

d) to demand the immediate liquidation or within a certain period of the detected deviations from the provisions of legislative acts and other normative acts relating to working conditions and the protection of employees in the exercise of their duties.

f) to request the withdrawal by the competent public administration authorities of the employer's activity authorization (license) for the intentional non-execution of the prescriptions regarding the removal of labor law violations, established following repeated controls;

g) to notify law enforcement bodies and licensing bodies regarding the detection of violations of the legislation in the field of migration for work purposes, in particular regarding cases of human trafficking and forced labor abroad, as well as the unlicensed practice of the activity related to the placement of citizens of the Republic of Moldova in the field of work abroad.

(1<sup>1</sup>) In addition to those provided for in para. (1), the labor inspector with attributions in the field of safety and health at work, in case of finding an imminent risk of injury, is entitled to order the suspension of operation (with the indication in the control report) of workshops, halls, sections, other subdivisions of the unit, the suspension of the exploitation of buildings, edifices and technical equipment, as well as the suspension of works and technological processes, in the manner provided for in art. 29<sup>1</sup> para. (3) from Law no. 131/2012 regarding state control over entrepreneurial activity.

#### **Article 9.** Obligations and liability of the labor inspector

(1) The labor inspector is obliged to:

a) to be guided in its legislation activity;

b) to keep confidential the source of any complaint that signals a violation of the provisions of legislative acts and other normative acts in the field of work, safety and health at work and not to disclose to the employer the fact that the said control was carried out following a complaint;

c) to keep confidential, according to the law, information that represents state secrets or commercial secrets and that became known to him in the exercise of his function;

d) to be objective and impartial, not to act as a mediator or arbitrator in the resolution of labor conflicts;

e) not to have any kind of interest, directly or indirectly, related to the employers that are under his control.

(2) For the non-execution or improper execution of the duties, the labor inspector bears responsibility in the manner established by the legislation.

#### **Article 9<sup>1</sup>.** Incompatibilities for inspector for work

(1) The labor inspector is prohibited from founding external private protection and prevention services in the sense provided by the Law on Safety and Health at Work no. 186/2008, as well as to activate or have any personal interest within them.

(2) The situations of incompatibility provided for in para. (1) shall cease within one month from the date of their appearance. If he has not eliminated the incompatibility situation within the stipulated term, the labor inspector is dismissed from his position.

*[Art.9<sup>1</sup> introduced by LP355 of 22.12.22, MO460-462/31.12.22 art.820; effective 12/31/22]*

#### **Article 10.** Obligations of subjects subject to control

Subjects subject to control have the following obligations:

- a) to ensure the labor inspector free access, at any time of the day or night, to the workplaces, in the production and service rooms for carrying out the inspection;
- b) to present the documents and give the information requested by the labor inspector during the inspection;
- c) to ensure the implementation of the measures established by the labor inspector following the control.

**Article 11. Responsibilities**

- (1) Violation of the provisions of this law attracts the liability provided by law.
- (2) It constitutes a contravention and is sanctioned according to the law:
  - a) preventing, in any way, by the employer the labor inspector from exercising his function within the limits of the rights provided for in art.8;
  - b) the employer's refusal to fulfill, within the established terms, the mandatory measures ordered by the labor inspector, within the limits of the rights provided for in art.8.
- (3) The measures taken by the labor inspector can be contested in the manner established by the legislation.

**Chapter IV<sup>1</sup>**

**METHOD, CONDITIONS OF PERFORMING THE CONTROL  
OF THE STATE IN THE FIELD OF LABOR, SECURITY AND  
HEALTH AT WORK**

**Article 11<sup>1</sup>.** The way of carrying out state control over compliance with the normative acts in the field of labor, safety and health at work

(1) State control over compliance with normative acts in the field of work, safety and health at work represents all the actions organized and carried out by the State Labor Inspectorate in the form of verification, evaluation and/or analysis on the spot and/or by direct request from employers by mail, including electronic mail, or by telephone to present the documentation and other information that they, by virtue of the law, are required to possess.

(2) State control over compliance with normative acts in the field of work, safety and health at work is carried out according to Law no. 131/2012 regarding state control over entrepreneurial activity.

(3) State control over compliance with normative acts in the field of work, safety and health at work has the following purposes:

- a) checking how employers comply with the normative acts in the field of work, safety and health at work;
- b) verification of the way in which private agencies carrying out activities related to the placement of citizens of the Republic of Moldova in the field of work abroad comply with the normative acts in the field of migration for work purposes;
- c) providing advisory and methodological assistance to the employer and private agencies that carry out activities related to the placement of citizens of the Republic of Moldova in the field

of work abroad in identifying ways to effectively apply the legislation and prevent violations, ways to liquidate violations if they are found , as well as ways to comply with the legal provisions.

(4) The control over compliance with normative acts in the field of work, safety and health at work is carried out by planned control or by unannounced control.

(5) The planned control is carried out in accordance with the Annual Control Plan, developed and registered according to Law no. 131/2012 regarding state control over entrepreneurial activity.

(6) The annual control plan is drawn up by the State Labor Inspectorate based on the control planning methodology, approved by the Government, and registered in the State Register of Controls by December 1 of the year preceding the calendar year in which refers to the control plan. When drawing up the annual control plan, the Activity Program of the State Labor Inspectorate, approved by the director of the State Labor Inspectorate after coordination with the Ministry of Labor and Social Protection, is taken into account.

(7) The unannounced control is the control exercised outside the annual control plan and is carried out in accordance with the provisions of Law no. 131/2012 regarding state control over entrepreneurial activity.

**Article 11<sup>2</sup>** . Conditions for performing state control

on compliance with the normative acts in the field  
work, safety and health at work

(1) State control over compliance with normative acts in the field of work, safety and health at work is carried out on the basis of checklists, approved according to the rigors established by the Government.

(2) State control over compliance with normative acts in the field of work, safety and health at work is carried out on the basis of the control delegation issued by the director of the State Labor Inspectorate.

(3) The labor inspector may request the employer or, in his absence, the person who replaces him to provide him with support, ensuring:

a) appointment of a person responsible for presenting the documents necessary for the control, for assisting and accompanying the inspector, during the control, at the workplaces, in the service, production and auxiliary rooms;

b) provision of a service room, means of communication, transport within the space of the unit subject to control.

(4) During the inspection, the labor inspector protects himself from general dangers by applying the measures ordered by the State Labor Inspectorate and with individual protective equipment, provided by the State Labor Inspectorate. If necessary, ask the employer to provide him with individual protective and work equipment, suitable for the risks specific to the unit to which he may be exposed during the control process.

**Article 11<sup>5</sup>** . Finding through methods and sources

indirect payment of his salary  
of other payments without reflecting them

in the accounting records

(1) When verifying the compliance with the legal prohibitions on the payment of salary or other payments without their reflection in the accounting records, to establish the fact of the payment of the salary or other payments without their reflection in the accounting records, the labor inspector applies indirect methods and sources based on the following indicators:

- a) the average salary in the enterprise for employees with similar activity, with the exception of top management salaries;
- b) the average salary per sector for employees with similar activity or the salary specified in the collective agreement at branch level and/or the applicable collective labor agreement;
- c) information obtained as a result of data exchange with public authorities;
- d) other information established by the Government.

(2) The State Labor Inspectorate notifies the State Fiscal Service immediately, but no later than 10 days from the date of ascertaining the mentioned facts, for the undertaking of voluntary or forced compliance measures.

*[Art.11<sup>5</sup> introduced by LP355 of 22.12.22, MO460-462/31.12.22 art.820; effective 12/31/22]*

## **Chapter V**

### **INSURANCE OF THE STATE LABOR INSPECTORATE.**

#### **rEPORTS**

##### **Article 12.** ensuring

(1) The State Labor Inspectorate is financed from the state budget.

(2) The central and local public administration authorities will provide the State Labor Inspectorate with rooms, means of transport, communication, office equipment, automatic information processing technology, with functional furniture, with other facilities necessary to achieve the objectives set out in art. 3.

##### **Article 13.** Reports

(1) The State Labor Inspectorate, within 6 months from the end of the management year, prepares and publishes on its official website and on the official website of the Ministry of Labor and Social Protection the annual report on its own activity.

(2) The annual report on the activity of the State Labor Inspectorate refers to:

- a) the normative framework regarding the competence of the State Labor Inspectorate;
- b) information about the staff of the State Labor Inspectorate;
- c) analytical data regarding employers subject to control and the number of their employees, including the number of employees with disabilities;
- d) analytical data of the controls performed;
- e) analytical data regarding the violations of the legislation on labor relations, safety and health at work detected and the sanctions applied;
- f) statistics of occupational accidents and occupational diseases;
- g) other aspects of the activity in the field of labor relations, occupational safety and health.

(3) The State Labor Inspectorate, within 3 months from the date of publication of the annual report on its activity, will present a copy of this report to the Director General of the International Labor Office.

## **Chapter VI**

### **FINAL AND TRANSITIONAL PROVISIONS**

#### **Article 14**

This law enters into force on January 1, 2002.

#### **Article 15**

The Government, within 6 months from the date of publication of this law:  
will submit proposals to the Parliament in order to bring the legislation in line with this law;  
will bring its normative acts in accordance with this law;  
will adopt normative acts that will ensure the execution of this law.

**PRESIDENT**

**PARLIAMENT Vladimir Voronin**

**Chisinau, May 10, 2001.**

**No. 140-XV.**